

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No. 05-1849 JH

DANA JARVIS,

Defendant.

MOTION TO CONTINUE HEARING

Defendant Dana Jarvis, by and through counsel, Joe M. Romero, Jr., hereby moves the Court for an Order continuing the hearing on the Defendant's pending motions, currently set for 1:30 p.m. on Tuesday, July 11, 2006, before the Honorable Judith C. Herrera, and as grounds therefore states:

1. Undersigned counsel intends to call certain witnesses in order to testify at the hearing regarding Defendant's Motion to Reconsider or Modify Order Denying Motion for Release of Funds and Motion to Reconsider Order Denying Defendant's Motion to End Constitutional Conditions of Confinement. At said hearings, for example, undersigned counsel intends to subpoena multiple witnesses from the Regional Correction Center to establish the relevant factual background in support of Defendant's conditions of confinement motion. Additionally, at said hearing, undersigned counsel intends to call multiple witnesses, including a license real estate broker to testify regarding Defendant's release of funds motion.

2. Undersigned counsel notes that a status conference is set for the same time as the hearing on Defendant's motions. It is expected that there would be insufficient time to fully hear Defendant's pending motions on July 11, 2006 after the status conference that is scheduled for the

same time.

3. Undersigned counsel was unsuccessful in obtaining opposing counsel's position on this motion.

4. Opposing counsel, AUSA Stephen R. Kotz, does not oppose this motion.

WHEREFORE, Defendant respectfully requests that that Court enter an Order continuing the hearing currently set for Tuesday, 1:30 p.m. on July 11, 2006.

Respectfully Submitted

Electronically filed 7/5/06

By: _____
Joe M. Romero, Jr.
Attorney for the Defendant
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I hereby certify that a true and correct copy of the foregoing was mailed to opposing counsel, AUSA James Braun, on July 5, 2006.

Electronically filed 7/5/06

Joe M. Romero, Jr.